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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/726,717 | 12/03/2003 | Henri Brisebois | CAN-5002-USANP | 6370 |
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| PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003 | | | EXAMINER ANDERSON, CATHARINE L | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,717

Applicant(s)

BRISEBOIS, HENRI

Examiner

C. Lynne Anderson

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3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 15 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 15 and 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Allowable Subject Matter***

The indicated allowability of claims 12 and 13 is withdrawn in view of the newly discovered reference(s) to Hammons et al. (5,755,711). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 14-15, and 26-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suekane (US 2002/0156445) in view of Hammons et al. (5,755,711).

With respect to claims 1, 9, 11, 26, 34, and 36, Suekane discloses all aspects of the claimed invention with the exception of providing a third strip having a plurality of projections in a spaced apart relationship, in order to provide third and fourth side flaps to the article. Suekane discloses a method for manufacturing sanitary napkins, as shown in figure 1, having a main body portion 1, an absorbent system 12, and opposite sides having a flap 15 projecting therefrom. The method comprises providing a continuous web 11A and bonding a superimposed layer 15C to form an area of juncture, as shown in figure 7. A succession of absorbent structures 12 are provided and advanced along a path,

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as shown in figure 8, and secured to the strip 11A. The strip 11A is cut transversally between the absorbent systems 12, as shown in figure 9.

Hammons teaches the application of third and fourth flaps 50 to a sanitary napkin, as shown in figure 2, to provide greater coverage and leakage prevention, as disclosed in column 2, lines 49-53.

It would therefor be obvious to one of ordinary skill in the art at the time of invention to manufacture the sanitary napkin of Suekane by providing a third strip of material having projections forming third and fourth flaps to provide greater coverage and leakage prevention, as taught by Hammons.

With respect to claims 2 and 27, the main body is a multi-layer structure, as shown in figure 3.

With respect to claims 3 and 28, the main body comprises a fluid pervious layer 10, as shown in figure 3.

With respect to claims 4 and 29, the main body comprises a liquid imperious layer 11, as shown in figure 3.

With respect to claims 5-7 and 30-32, the projection portions 15 are secured to the fluid pervious layer 10 and liquid impervious layer 11, as shown in figure 3.

With respect to claims 8 and 33, adhesive fasteners 16 are applied prior to severing of the continuous web, as shown in figure 9.

With respect to claims 10 and 35, the projection portions 15 are transversely projecting, as shown in figure 1.

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With respect to claims 14 and 37, Suekane discloses all aspects of the claimed invention with the exception of the layers being identical in width. It would have been an obvious matter of design choice to make the layers identical in width rather than differing in width, since the relative widths of the layers serves no particular purpose and solves no stated problems, and it appears the invention would function equally well whether the layers are identical or differing in width.

With respect to claims 15 and 38, the layers of the continuous web are of differing widths, as shown in figure 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CUA
cla
July 6, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

